



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION

2015 OCT 16 PM 3:55

CELA

MEMORANDUM

TO: The Commission

FROM: Kathleen Guith *KG*
Acting Associate General Counsel for Enforcement

Mark Allen *MA*
Assistant General Counsel

Meredith McCoy *MM*
Attorney

FILE: MUR 6566 (Lisa Wilson-Foley for Congress)

SUBJECT: Intent to Name and Notify Additional Respondents

I. Summary

On July 14, 2015, the Commission found reason to believe that Lisa Wilson-Foley for Congress ("the Committee") and Lisa Wilson-Foley in her official capacity as treasurer knowingly and willfully violated 52 U.S.C. §§ 30116(f) and 30104(b) by accepting and failing to report excessive contributions from Lisa Wilson-Foley's husband, Brian Foley, in the form of payments to former Connecticut governor John Rowland to consult on Lisa Wilson-Foley's congressional campaign.¹

In light of the unique circumstances of the case, in which Brian Foley and Lisa Wilson-Foley have already pleaded guilty to criminal violations of the Federal Election Campaign Act of 1971, as amended ("the Act"),² stemming from the same events, we stated that

¹ Certification, MUR 6566 ¶ 1 (Lisa Wilson-Foley for Congress) (July 20, 2015); *see also* Second General Counsel's Report, MUR 6566 (Apr. 17, 2015).

² Lisa Wilson-Foley and Brian Foley each entered a guilty plea to a single misdemeanor count of conspiracy to violate 2 U.S.C. §§ 441a(a)(1)(A), 441a(f), and 437g(d)(1)(A)(ii), in violation of 18 U.S.C. § 371, in connection with Brian Foley's payments to Rowland for work on Lisa Wilson-Foley's 2012 campaign. Brian Foley was

OGC would apprise the Commission of any new information it obtained that appeared to warrant naming Brian Foley and Lisa Wilson-Foley as respondents in their personal capacities.³ To that end, this Memorandum summarizes information that appears to implicate Brian Foley and Lisa Wilson-Foley in previously unalleged violations of the Act.

As discussed below, Brian Foley has admitted to making contributions to the Committee totaling as much as \$30,000 in the names of at least four other individuals. In addition, he has admitted to withdrawing money from bank accounts belonging to several of his children without their knowledge to make contributions totaling as much as \$22,500, and to giving \$500,000 of his own assets to his wife to use in her campaign. Accordingly, we believe that Brian Foley and Lisa Wilson-Foley should be notified of the potential violations suggested by the facts now before the Commission and provided an opportunity to respond.⁴

sentenced on January 9, 2015, to three months in a halfway house, three years of probation, and a \$30,000 fine. Lisa Wilson-Foley was sentenced on March 24, 2015, to five months in prison, one year of probation, and a \$20,000 fine.

³ Audio recording: FEC Exec. Sess. at pt. 1, 1:00:30 – pt. 2, 0:19:00 (July 14, 2015) (on file with Commission Sec.).

⁴ See 52 U.S.C. §§ 30116(a) (excessive contributions), 30116(f) (acceptance of excessive contributions), 30122 (contributions in the name of another).

Q. Did you arrange with other people to make contributions to the campaign?

⁶ Transcript of Record, *United States v. Rowland*, No. 3:14-cr-79 (D. Conn. Sept. 5, 8-9, 2014) (Docs. 157-58) (available in VBM).

A. Yes.⁷

Foley then went on to explain the "understandings" he had with the Hyypas, Veiril, and Lewis wherein he would reimburse each of them if they made contributions to the Committee.⁸ The prosecutor asked Foley if he thought he was permitted to do this, and whether any of his payments were reported to the Commission; Foley responded "No" to both questions.⁹

On cross-examination, Foley testified that, with respect to the contributions by the Hyypas, it was Patricia Hyypa who originally suggested that Foley make the reimbursements.¹⁰ Defense counsel then asked, "So did you know that you were engaging in federal criminal wrongdoing when you did this?" to which Foley responded "Yes." Foley also testified on cross-examination to the contributions he made on behalf of three of his children.¹¹

Rowland's attorney also cross-examined Foley on payments he made to his wife, Foley testified: "I told Lisa when she was going to run for Congress that I would contribute half a million dollars."¹² The testimony continues:

Q. I have no interest in probing into ... [b]ut are there joint assets?

A. No.

Q. So they're separate?

A. Our assets are separate, yeah.

....

Q. And did Lisa make a substantial contribution on her own?

A. I think she put in about [\$]500,000 as well.

Q. In what form?

A. Just wrote checks to the campaign. And my checks went to Lisa and then she put my money into the campaign.¹³

According to the Committee's disclosure reports, Lisa Wilson-Foley made contributions to the Committee (or loans which were later forgiven) totaling \$963,093 during the 2012 election cycle.

⁷ Transcript of Record at 179-80, *United States v. Rowland*, No. 3:14-cr-79 (D. Conn. Sept. 5, 2014) (Doc. 157).

⁸ *Id.* at 180-82.

⁹ *Id.*

¹⁰ Transcript of Record at 214, *United States v. Rowland*, No. 3:14-cr-79 (D. Conn. Sept. 8, 2014) (Doc. 158).

¹¹ *Id.* at 213-19.

¹² *Id.* at 229.

¹³ *Id.* at 229-30.

17044420004

III. Conclusion

In light of the information described above, we believe Brian Foley and Lisa Wilson-Foley may have engaged in significant additional violations of the Act.¹⁴ We therefore intend to notify Brian Foley and Lisa Wilson-Foley in their personal capacities of the additional information summarized here and afford them the opportunity to respond to those allegations if they wish to do so. Based on the information and their responses, we will then proceed with any appropriate recommendations to the Commission.

¹⁴ See 52 U.S.C. §§ 30116(a), 30116(f), 30122.